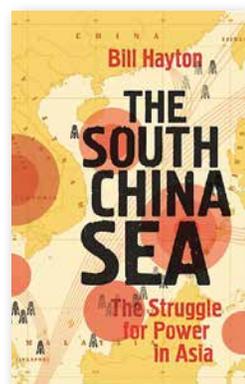


## A Territorial War With No Fighting



**The South China Sea: The Struggle for Power in Asia**

By Bill Hayton

New Haven: Yale University Press, 2014, 320 pages, \$35 (Hardcover)

Reviewed by Nayan Chanda

A WEEK AFTER the tanks of the victorious North Vietnamese had crashed through the gates of the presidential palace at the end of April, 1975, Saigon was still in shock. On this quiet morning, walking on the near-deserted Tu Do Street, I spotted a colorful map hanging from the door of the newsstand. The newly launched broadsheet *Saigon Giai Phong* (Saigon Liberation) had published a full-page map of the country that the revolutionary forces had unified days earlier. What was surprising about the map was that the S-shaped contour of Vietnam was stuck on the left side of the page, the bulk of which showed blue waters with Paracel and Spratly islands and other reefs and shoals. These prominently displayed features were newly liberated from the “puppet Saigon regime.” Only later, I realized that the quiet publication of this map was a gauntlet that the Vietnamese had thrown at China.

In January 1974, when China had seized Paracel Island from the Saigon regime, the communist government in Hanoi kept quiet. But now that the South Vietnamese had been defeated, North Vietnamese forces rushed in to assert control of the islands and reefs and pre-empt China. The Paracels, although occupied by China, were shown as Vietnamese territory in the *Saigon Giaphong* map.

April 30, 1975, marked the end of the Second

Indochina War, but the map marked the beginning of another struggle that has gained increased intensity in the decades since. Bill Hayton’s *The South China Sea: The Struggle for Power in Asia* is a fascinating account of this intensifying conflict — which started as a scramble by neighbors for energy and marine resources to later grow into a larger battle for superpower hegemony.

Hayton, who covered Vietnam and Southeast Asia for the BBC in 2006-2007 and wrote an engaging book, *Vietnam: Rising Dragon*, about that country, has now provided a comprehensive account of a complex conflict. Digging deep into the archives, he has produced a detailed yet accessible story of how the South China Sea has emerged from a mythical danger zone to a real arena of conflict between regional powers and a source of big-power strife.

Hayton has dispelled some popular misconceptions about the South China Sea. “The Sea,” Hayton notes, “is not particularly rich in oil and gas resources, the military bases on the disputed islands are not particularly ‘strategic’ since almost all could be destroyed with a single missile strike.” Nor is this body of water an ancient playground for Chinese sailors. His account places the South China Sea and the people who sailed and fished around it at the center of history, not the latecomers of state powers. His meticulous account shows islands, reefs and rocks that lie astride the water that attracted only fishermen of the coastal countries seeking marine delicacies and *guano* for use as fertilizer on rice fields.

For a long period, until the early 19th century, the only other people who cared about those specks in the South China Sea were European sailors who sought ways to avoid these dangerous shoals and reefs and whose wrecked ships ended up giving names to these features. Non-coastal powers such as Japan and later Maoist China first got interested in one of those islands as possible sources for *guano*. Rising nationalism in late Qing China saw the involvement of the European colonial powers and Japan as a challenge. They considered themselves to be the rightful owners of the islands, even though initially the Chinese paid scant attention to them. Hayton emphasizes that it was the people of coastal territories, the Nusantao, sea gypsies of Southeast Asia who made their living from the waters surrounding the islands and coral reefs.

Notwithstanding China’s oft-repeated claim that these are China’s historical waters (Deng Xiaoping is said to have told Vietnamese leaders that the South China Sea “... belonged to China since ancient times”), there is no archaeological evidence that Chinese ships made trading voyages across the South China Sea until the 10<sup>th</sup> century. Although the Chinese did travel on other people’s boats, they were “content to let others take the risk of going to sea and then manage the trade at the point of arrival.” Well-known Ming dynasty expeditions led by the Muslim eunuch Admiral Zheng He, which brought a large Chinese armada to India and East Africa, proved to be a short-lived ocean adventure.

Not only did the Chinese show a lack of interest in the South China Sea, for a long time the Chinese believed in the myth about the existence of a long embankment in the middle of the sea “where the water descends into the underworld.”

Hayton also demonstrates how the modern controversy over the sovereignty of the waters is the result of the arrival of the Europeans and the introduction of the Westphalian concept of territorial boundaries and their extension into the sea. Asia’s notion of a kingdom’s border was until then fluid and hierarchic. The rise of Chinese nationalism and the desire to end “centuries of humiliation” by colonialists led China to claim ownership of the islands and reefs. The nationalist mapmakers produced maps of the South China Sea showing features that “belonged” to China, although their names were most often translations or plain transliteration of names given by European sailors. Macclesfield Bank in the middle of the South China Sea was named after a British ship; China called it *Hong Mao Qian*, “the bank of the barbarians with red hair.” Near the Borneo coast is James Shoal, an area of shallows 22 meters under the sea, but claimed to be southernmost point of Chinese territory as a result of a mistranslation; because of their unfamiliarity with the area, Chinese mapmakers in 1933 gave it the Chinese name *Zengmu Tan*, or “James Sandbank” (Zengmu is a transliteration of James). In 1947 the name was revised to Zengmu Ansha, or “James Reef,” but the fictional Chinese territorial claim has persisted.

In 1936, Bai Meichu, an ardent nationalist geographer who had earlier created the “Chinese National Humiliation Map” to educate his countrymen, produced his most memorable map,

showing a U-shaped line marked by 11 dashes going around the perimeter of the South China Sea as far south as James Shoal. In 1953, the Communist Chinese government, perhaps as an act of solidarity towards a struggling comrade, removed two dashes that had cut through the Gulf of Tonkin next to Vietnam, leaving the line with only nine dashes. This nine-dash line showing the border of China’s claim has since been presented (in 2009) to the UN Commission on the Limits of Continental Shelf as marking the extent of China’s historic waters.

Even if one disregards the lack of evidence for China’s claim of historic waters, there is another problem: Hayton points out that the United Nations Convention on the Law of the Sea (UNC-

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LOS), which China signed in 1982, does not recognize the claim of historic waters, instead basing territorial rights on distance from islands and other features. Since 1990, China has repeatedly called upon claimant countries to accept Chinese sovereignty and engage in joint development of energy resources. The fact that such a joint venture is proposed in areas effectively under the control of other states, but not where China is in control, has not enticed any country to take up the Chinese offer. Aware that its extensive sovereignty claims cannot win in a court of law, China has taken recourse to the old practice of claiming rights based on historical antecedents and

## What motivates China to adopt such an aggressive posture and risk alienating the Southeast Asian neighbors that it is also trying to woo? Hayton summarizes the reasons.



Mobile territory? Chinese coast guard vessels guard the giant oil rig that China towed into waters off Vietnam in May 2014.

has deployed its economic, political and military resources to realize that claim.

In one chapter, Hayton narrates how China has made a persistent effort to take control of all the features above water and build platforms over submerged reefs and shoals to station its troops and raise its flag. It has turned small islands and reefs into bigger territory by sea reclamation and built blockhouses and airstrips. What Hayton neglects to emphasize is that China has tried to bypass the actual control of some of the islands and features by others by imposing its laws and regulation over vast stretches of water. It has instituted fisheries and environmental regulatory inspection teams and marine law enforcement teams, and it has provided them with military backing in their aggressive enforcement of Chinese law. This enforcement machinery to establish Chinese law, which some scholars have called warfare by law, or “lawfare,” consists of increasing the numbers of “civilian” vessels such as those from the coast guard and various other agencies. Lurking not far behind are the Chinese naval vessels with guns and occasionally buzzing fighter jets. Chinese fishing trawlers have often

joined the fray by trying to sever cables of seismic survey ships operated by Vietnam or Indonesia in the waters that China claims.

Hayton offers interesting detail, though, about how Beijing has taken advantage of the high stakes that Western oil majors such as BP and ConocoPhillips have in China in order to persuade them to abandon oil prospecting on behalf of China’s rivals. Chinese coastguards have forced foreign marine archaeologists working near the Philippines shores to abandon their search, claiming that what lies at the bottom of the sea belongs to China. As one US naval officer described it, the task of China’s Marine Surveillance is to “harass other nations into submitting to China’s expansive claims.”

Beijing’s latest instrument to enforce its ownership claims in the South China Sea is a giant, billion-dollar drilling platform (what one Chinese official called “China’s mobile national territory”) that was towed into oil blocks near Vietnam, accompanied by dozens of fishing vessels and naval craft. Another Chinese tactic consisted of blocking supplies to small number of Filipinos who mounted a pathetic effort to retain control of

the Second Thomas Shoal by staying on the rusting hull of a wrecked ship.

What motivates China to adopt such an aggressive posture and risk alienating the Southeast Asian neighbors that it is also trying to woo? Hayton summarizes the reasons: “a sense of historic entitlement to the South China Sea combined with a desire for national prestige; the need for ‘strategic depth’ to protect China’s coastal cities, the desire to guarantee strategic access to the open waters of the Indian and Pacific oceans, and the wish to have access to the resources of the sea itself — particularly its fish and hydrocarbon.” Hayton says that while the Chinese foreign ministry might recognize the strength of the legal case against it, China’s other, more powerful agencies — from the armed forces to oil and fisheries interests — might be driving China’s South China Sea policy. While the claimant countries, especially Vietnam and the Philippines, have condemned Chinese tactics, they have been powerless to stop China changing the reality on the ground.

“From primary school to politburo, the U-shaped line has become a secular religion,” Hayton observes. “The higher governments raise the rhetorical stakes, the more difficult they will find it to climb down and reach a settlement.” China’s assertion of its rights over the South China Sea, marked by the U-shaped nine-dash line, cuts right across the US insistence on freedom of navigation. As it is a waterway that carries 40 percent of global commerce, freedom of passage through the South China Sea is vital for the world economy. The US sees China attempting to extend its hegemony over all of Asia, and developing weapon systems designed to deny the US access to the western Pacific. Chinese muscle-flexing in the South China Sea, seen from Washington, is part of a global strategy to challenge the US. Several incidents in recent years involving confrontation between Chinese vessels and US naval and intelligence-gathering vessels in China’s exclusive economic zone (EEZ) have underlined the growing tension over the interpretation of what is permitted in the EEZ. While the US does not have a position on the dispute over sovereignty in the South China Sea, it supports attempts by the ASEAN countries to reach a collective agreement with Beijing — something that China vehemently rejects.

For China, the US is guilty of encouraging

regional countries to challenge the Chinese position in order to prevent the rise of China. Washington indeed supported the Philippines’ attempt to get the Hague-based Permanent Court of Arbitration to rule on what features and rocks could be considered “territory” and be used to project lines for sovereignty claims. China’s rejection of the court’s jurisdiction over the matter blocks off the possibility of a legal solution. But Hayton, who started the book painting a dire scenario of the South China Sea dispute mushrooming into a global conflict, changed his mind in the course of writing the book. He now believes that despite the beating of war drums, China is aware how far behind the US it still is militarily and will try to avert an armed conflict. Given that the value of the trade shipped across the South China Sea is far greater to China than whatever resources might exist under water, it is reasonable to conclude that China would not start a war lightly.

China’s likely aversion to war, however, does not mean China will give up its claims of sovereignty or its right to exploit the resources. By deploying its economic and political power and brandishing the threat of force, China has already achieved unquestioned supremacy over a large part of the South China Sea. Hayton cites a Singaporean observer, Huang Jing, as saying, “What China is doing is putting both hands behind its back and using its big belly to push you out, to dare you to hit.” If China restrains itself in its dealings with the US, as it seems ready to do by agreeing to a code of conduct with the US navy, it may continue its divide-and-conquer policy vis-à-vis ASEAN, as Hayton himself shows with interesting detail, and extend its de facto control over the waters without firing a shot. Its weak and divided regional opponents, unable to mount a challenge against a rich and increasingly powerful China, may eventually acquiesce to Chinese terms. After all, one of the most valuable lessons the great strategist Sun Tzu has taught China is this: “The supreme art of war is to subdue the enemy without fighting.”

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